

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

UNITED STATES OF AMERICA

v.

TACARRO MORGAN

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CR 613-018

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O R D E R

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On November 19, 2013, Defendant Tacarro Morgan pleaded guilty to wire fraud conspiracy and aggravated identity theft. She was sentenced to serve a total term of imprisonment of 90 months.

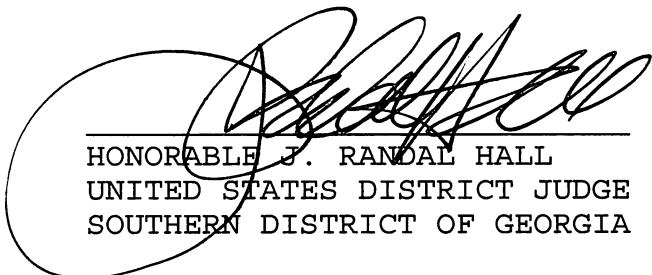
Defendant has filed a motion to reduce her sentence under 18 U.S.C. § 3582(c)(2) based upon Amendment 794 to the United States Sentencing Guidelines. Amendment 794 sets out new guidelines for the determination of whether a defendant should be granted a mitigating role reduction under U.S.S.G. § 3B1.2.

Section 3582(c)(2) allows a court to modify an imposed term of imprisonment if a defendant's sentencing range has been subsequently lowered by the Sentencing Commission. However, this provision is only triggered by an amendment listed in U.S.S.G. § 1B1.10(d). ("In determining whether, and to what extent, a reduction in the defendant's term of imprisonment under 18 U.S.C. § 3582(c)(2) . . . is warranted,

. . . the court shall substitute only the amendments listed in subsection (d) . . . and shall leave all other guideline application decisions unaffected" (emphasis added).). Amendment 794 is not a listed amendment in U.S.S.G. § 1B1.10(d).<sup>1</sup> Consequently, even assuming Defendant's conduct would otherwise qualify her for a "minor role" reduction, Amendment 794 is not available to her retroactively in the post-conviction context.

Upon the foregoing, Defendant's motion to reduce sentence (doc. 51) is **DENIED**.

**ORDER ENTERED** at Augusta, Georgia, this 6<sup>th</sup> day of October, 2016.



HONORABLE J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA

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<sup>1</sup> Indeed, the Sentencing Commission stated that Amendment 794 is intended only as a clarifying amendment. U.S.S.G. App. C, Amend. 794 (Reason for Amend.) ("This amendment provides additional guidance to sentencing courts in determining whether a mitigating role adjustment applies.").